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INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Anton J. Hopen
Attn:	Marina I. Miller - Art Unit 1631	Client:	1372.61.PRWOUS
Fax:	(703) 872-9306	Pages:	4 including coversheet
Phone:	(571) 272-6101	Date:	January 21, 2005
Re:	USSN 09/940,878	CC:	University of South Florida (Assignee)

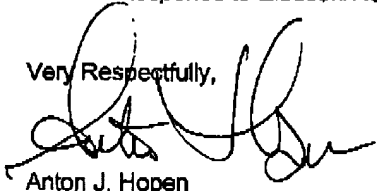
☐ Urgent    ☒ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

Dear Examiner Miller:

In response to the non-final office action mailed December 21, 2005, we enclose the following:

1. Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated January 21, 2005 (1 page); and
2. Response to Election/Restriction Requirement (2 pages).

Very Respectfully,

  
Anton J. Hopen  
Reg. No. 41,849

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Practitioner's Docket No. 1372.61.PRWOUS

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Emmanuel Lazaridis )

Serial No.: 09/940,878 )

Filed: 08/29/2001 )

For: Methods for Classifying Objects and  
Identifying Latent Classes )Art Unit: 1631  
Examiner: Marina I. Miller  
Confirmation: 5633Faxed to Technology Center 1600 at (703) 872-9306  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450RECEIVED  
COMM. FOR PAT. & TRADEMARKS  
JAN 21 2005

JAN 21 2005

**AMENDMENT TRANSMITTAL**

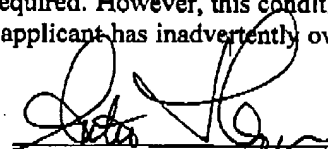
1. Transmitted herewith is a Response To Election/Restriction Requirement for this application.

**STATUS**

2. Applicant is an independent inventor. A statement was already filed.

**EXTENSION OF TERM**

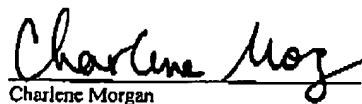
3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

  
**SIGNATURE OF PRACTITIONER**  
Anton J. Hopen  
Smith & Hopen, P.A.  
15950 Bay Vista Drive, Ste. 220  
Clearwater, FL 33760  
(727) 507-8558Reg. No.: 41,849  
Customer No.: 21,901**CERTIFICATE OF FACSIMILE TRANSMISSION**

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1600, Attn: Marina I. Miller, (703) 872-9306 on January 21, 2005.

Dated: January 21, 2005

  
Charlene Morgan

(Amendment Transmittal—page 1)

Practitioner's Docket No.: 1372.61.PRWOUS

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Examiner: Marina L. Miller  
Confirmation: 5633Faxed to Technology Center 1600 at (703) 872-9306  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant responds to the nonfinal Examiner's action mailed December 21, 2005, having a shortened statutory period for response set to expire January 21, 2005 as follows:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Applicant elects to prosecute claims 21-23, drawn to a method for identifying genes, classified in class 702, subclass 20; Specie B, a cellular phenotype as recited in claim 23. The claims readable thereon are claims 21-23. This election is made without traverse.

REMARKS

If an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH &amp; HOPEN

By: Anton J. Hopen  
Suite 220  
15950 Bay Vista Drive  
Clearwater, FL 33760  
(727) 507-8558  
Attorneys for Applicant

Dated: January 21, 2005


pc: University of South Florida (Assignee)

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**CERTIFICATE OF FACSIMILE TRANSMISSION**  
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Response to Election/Restriction Requirement is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1600, Attn: Marina I. Miller, (703) 872-9306 on January 21, 2005.

Dated: January 21, 2005

  
Charlene Morgan